

AMENDMENTS TO THE DRAWINGS:

Please replace the Figures with the attached Replacement Drawing Sheets. The drawing Figures 4a - 8 have been amended to not refer to the "present invention".

Attachment: Replacement Sheets

REMARKS

The Examiner is thanked for the due consideration given the application. Substitute drawing figures and a Declaration are being submitted with this paper.

Claims 1, 2, 4, 5, 7-12, 14, 15, 17, 19 and 21-24 are pending in the application. Claims 6 and 11-13 have been withdrawn from consideration. Claims 3, 6, 13, 16, 18 and 20 have been canceled by this amendment. Support for the amended claims can be found, for example, at page 11, lines 26-31, page 5, line 33 to page 6, line 4 and at page 12, lines 9-10 of the specification.

The Drawings

The drawing figures have been objected to as referring to "the present invention." The comments in the Official Action have been considered, and substitute drawing figures have been filed.

Rejection Under 35 USC §112, Second Paragraph

Claims 7-10 and 19-21 have been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The Official Action asserts that "the antigen" in claims 7-10 and 19-21 may refer to "fusion protein of a virus" or to "further antigen" (lines 2 and 3, respectively of claim 1). This observation is also applicable to claim 11.

Applicant respectfully submits that "the antigen" may refer to either one or both of a "fusion protein of a virus" or a "further antigen" based on the following:

The reconstituted viral membranes of the invention comprise a viral fusion protein and, optionally a further antigen. Thus, it is to be understood that the reconstituted viral membranes comprising only a viral fusion protein and no further antigens are a part of the invention, in which case the viral fusion protein also has a function as antigen, in addition to its function as fusion protein. On the other hand, the reconstituted viral membranes may thus comprise one or more further antigens in addition to the viral fusion protein. (specification at page 11, lines 26-31).

Preferably, the fusion protein, the amphiphilic adjuvant and preferably also the optional further antigen interact with the hydrophobic interior of the lipid bilayer, i.e. are associated with, integrated into, and/or embedded in the bilayer of the viral membrane through hydrophobic interactions with the lipids of the bilayer and/or each other. (specification at page 5, line 33 – page 6 line 4).

"Therefore, in preferably, the antigen present in the reconstituted viral membrane of the invention is an integral membrane protein." (specification at page 12, lines 9-10)

The claims have therefore been amended by replacing "the antigen" by "at least one of a fusion protein of a virus or a further antigen."

In addition, claim 12 has been amended to refer to the "further antigen", although "the antigen" in instant claim 12 obviously cannot refer to "a fusion protein of a virus".

The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejection Over ZURBRIGGEN et al.

Claims 1, 2, 14 and 15 have been rejected under 35 USC §102 as being anticipated by ZURBRIGGEN et al. This rejection is respectfully traversed.

The Official Action asserts that phosphatidylethanolamine (PE) and phosphatidylcholine (PC) have adjuvant effect, since PE and PC are the body's own substances. The applicant does not agree with this position in the Official Action.

Nonetheless, claim 1 has been amended to incorporate subject matter from claim 3 (now canceled), which was free of this rejection over ZURBRIGGEN et al. Claim 1 and its dependent claims are thus instantly patentable over ZURBRIGGEN et al.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejection Over STEGMANN, GLUCK and METCALF and ZURBRIGGEN et al.

Claims 1-5 and 14-18 have been rejected under 35 USC §103(a) as being unpatentable over STEGMANN, GLUCK and METCALF and ZURBRIGGEN et al. This rejection is respectfully traversed.

As was noted in the Official Action, this rejection can be overcome by the filing of a Declaration that any invention

disclosed but not claimed in STEGMANN was derived from the inventor of this application and is thus not an invention "by another". Attached to this paper is the appropriate Declaration signed by Antonius Johannes Hendrikus STEGMANN.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Election/Restriction

As allowable subject matter has been indicated, the Examiner is respectfully requested to re-join the pending withdrawn claims.

Conclusion

The Examiner is thanked considering the Information Disclosure Statement filed December 13, 2005 and for making the initialled PTO Form 1449 of record in the application.

Prior art of record but not utilized believed to be non-pertinent.

The objects and rejections are believed to be overcome, obviated or rendered moot, and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- ☒ - a 37 CFR 1.132 Declaration
- ☒ - a Replacement Sheets for drawings